

**KENOSHA COUNTY BOARD OF SUPERVISORS
COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING
January 19, 2010**

The **Regular Meeting** was called to order by Chairman Clark at 7:30 p.m., in the County Board Room located in the Administration Building. Roll call was taken.

Present: Supervisors Grady, Zerban, Rose, Kessler, Huff, Kubicki, Hallmon, Gentz, Modory, Faraone, Ronald Johnson, Michel, O'Day, Singer, Molinaro, Morton, Jackson, Clark, Noble, West, Roger Johnson, Breunig, Elverman, Ekornaas.

Excused: Marks, Nudo, Moore, Haas.

Present: 24. Absent: 4.

There were no citizen comments.

ANNOUNCEMENT OF THE CHAIRMAN

Chairman Clark stated everyone including the city council should have received a copy of the Intergovernmental Agreement. If all goes well, the city should be taking it up at their second meeting in February. He asked the Building & Grounds, Judiciary & Law and Finance Committees schedule a joint meeting to review the IGA. If any issues should arise Chairman Clark suggested a meeting with the Committee Chairman of the County and City Legislative Committees. Supervisors Moore, Rose and Faraone have drafted a resolution regarding the National Health Care. If any supervisor is interested in signing onto it the County Clerk will have it. He asked the Legislative Committee to take a look at that resolution. The Governor has introduced his bill regarding SERTA (Southeastern Regional Transit Authority) that bill in summary allows local communities to create their own interim regional authority. This allows for certain funding mechanisms. The thought of the interim regional transit authority is they could get regional transit issues locally and potentially the transit could be taken off the property taxes by a sales tax. The bill as presented will require a referendum to have any sales tax for Racine or Kenosha to proceed individually. Milwaukee could proceed immediately since they already had a referendum.

The County and the Legislative Committee have been working on the Ethics Policy for along time. There will be a Committee of the Whole meeting next Tuesday at 7:30.

SUPERVISOR REPORTS

Supervisor Ekornaas reported the Multi-Jurisdictional Comprehensive Planning Advisory Committee (Smart Growth) adopted a draft of Comprehensive Plan on December 22nd. The various villages and towns have set public hearing dates. The county will be having a public hearing at the County Center on March 17th at 6:00. First reading of the ordinance should be April 7th and April 20th it should be offered for adoption. This plan will be delivered through the mail in the form of a summary and a CD of the entire plan. Anyone wishing a hard copy can contact John Roth. This is being done to comply with the state law on this issue and having this in place post haste is necessary if we are going to continue to receive state aid. If this isn't in place, developers won't be able to go forward with projects in some towns. He encourages anyone with questions to attend the public hearing.

Supervisor Breunig stated the Youth In Governance nominations are going on now. If anyone knows a youth that is interested in government or politics can contact John de Montmollin in Extension Education.

Supervisor O'Day stated the Finance Committee received an update on the General Fund; the analysis is on the desks for review. It shows the range of expected and negative impacts on the 2009 General Fund.

Supervisor Noble reported the bid package #3 for the Public Safety Building was opened today. There were a lot of bids; most of which were lower than expected. The old Brookside building has been officially abandoned. The water and power are off and the doors are bolted and chained. The roofing project on the Ambrose House has been completed.

Supervisor Huff stated he attended a Local Emergency Planning Committee which goes over emergency action plans for the county. They had a demonstration of cameo software which was put out by the EPA. All hazmat units, fire departments and law enforcement in Kenosha County have access to it. In the event there is a chemical spill or chemical reaction anywhere in Kenosha County

they have access to a computer program that not only shows them a photo of the chemical storage facility, it also has detailed maps of the facility where it is located. It also has a program if there was a plume cloud they could put in the weather and wind conditions and predict where that cloud would go. A reverse 911 call can be put out to warn the individuals effected. It is required by the Federal Government to have and we're way ahead of the curve.

Supervisor Gentz reported the Joint Services Board had a presentation by Frank Volpintesta on the IGA as it pertains to Joint Services. They will be meeting again on February 2nd.

Supervisor Kubicki stated the Human Services Committee invited the head of Brookside to speak at their meeting this evening. There is a new Admission Administrator in place at Brookside. The 2009 the Medicare budget allocation of 19.5 beds was achieved with 20.3 beds. As far as this years Medicare count we're in the 25 - 26 range which is our goal for 2010.

COUNTY EXECUTIVE APPOINTMENT

18. Bob Simmons to serve on the Kenosha County Board of Administrative Appeals. Chairman Clark referred County Executive Appointment 18 to Human Services.

OLD BUSINESS

Resolution - one reading

RESOLUTION 83

83. From Judiciary & Law Committee regarding Probationary Cabaret License for Siebert's Pub.

WHEREAS, the application of Jonathan Newell for a probationary cabaret license for Siebert's Pub, 8403 Antioch Road, Salem, Wisconsin, in the Town of Salem, was made during the month of October, was turned over to this office on October 2nd, 2009, and

WHEREAS, the Kenosha Sheriff's Department has conducted an inspection of the premises, and

WHEREAS, the premises were found to be in conformity with the Cabaret Ordinance Number 8.02

NOW, THEREFORE BE IT RESOLVED, that because this is the initial application by the license holder, a probationary license be granted to Jonathan Newell for Siebert's Pub.

SUBMITTED BY:

Judiciary & Law Committee

William Michel II

James Huff

Bob Haas

Roger Johnson

It was moved by Supervisor Michel to adopt Resolution 83. Seconded by Supervisor Roger Johnson.

Motion carried.

NEW BUSINESS

Resolutions - one reading.

RESOLUTION 87

87. From Finance Committee regarding Appointment of D. Noel Sheer to the Kenosha County Library System Board.

WHEREAS, pursuant to County Executive Appointment 2009/10-16, the County Executive has appointed D. Noel Sheer to serve on the Kenosha County Library System Board; and

WHEREAS, the Finance Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Library System Board and is recommending to the County Board the approval of this appointment; and

NOW, THEREFORE, BE IT RESOLVED, that the Kenosha County Board of Supervisors confirm the appointment of D. Noel Sheer to serve on the Kenosha County Library System Board. Ms. Sheer's appointment shall be effective immediately upon the confirmation of the County Board and continuing until the 31st day of December, 2012, or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Ms. Sheer will serve without pay. Ms. Sheer will be succeeding herself.

SUBMITTED BY:

Finance Committee
John O'Day
Mark Molinaro, Jr.
David Singer
Mark Modory

It was moved by Supervisor O'Day to adopt Resolution 87. Seconded by Supervisor Singer.
Motion carried.

RESOLUTION 88

88. From Finance Committee regarding Resolution Accepting Federal Emergency Management Agency Hazard Mitigation Grant Program Amendment No. 1: FEMA-1768-DR-WI.

WHEREAS, the Kenosha County Board of Supervisors adopted Resolution No. 85 on January 5, 2010, accepting a Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) award FEMA-1768-DR-WI in the amount of \$2,066,709 for the purpose of continuing the buyout of floodprone properties in the 100-year recurrence interval floodplain of the Fox River in the Towns of Wheatland and Salem and the Village of Silver Lake; and

WHEREAS, Kenosha County was notified on January 6, 2010, that FEMA and the Wisconsin Division of Emergency Management have offered Amendment No. 1 for the HMGP award in the amount of \$135,276.00; and

WHEREAS, Kenosha County will be providing matching funds for this grant award with funding that has been provided to the County from the Wisconsin Department of Commerce, Community Development Block Grant-Emergency Assistance Program (CDBG-EAP); and

WHEREAS, Kenosha County will be providing funds for operating expenses, with FEMA and the Wisconsin Department of Commerce reimbursing the County with HMGP and CDBG-EAP funds as County funds are expended; and

WHEREAS, no property tax levy dollars will be used or budgeted for this grant program.

NOW, THEREFORE, BE IT RESOLVED, that the Kenosha County Board of Supervisors does hereby accept Amendment No. 1 for HMGP award FEMA-1768-DR-WI in the total amount of \$135,276.00 and authorizes the Kenosha County Executive and Kenosha County Clerk, on behalf of the County, to enter into contractual agreements with the Wisconsin Division of Emergency Management for the purpose of securing these funds; and

BE IT FURTHER RESOLVED, that the Kenosha County Housing Authority, with the contracted services of the Southeastern Wisconsin Regional Planning Commission, is designated as the County's administrative agent for the HMGP grant amendments; and

BE IT FURTHER RESOLVED, that the County Director of Finance is authorized to amend the following revenue and expense accounts on the County books for the HMGP program:

240.77203.442333	FEMA-1768-DR-WI Revenue	\$135,276.00
240.77203.582130	Floodplain Acq/Relo/Demo	\$133,747.00
240.77203.529590	HMGP Administration	\$ 1,529.00

BE IT FURTHER RESOLVED, that the authorization to spend grant funds authorized by this resolution be carried over into future years to complete this project, with the grant funds to be disbursed in accordance with all Federal and State regulations of the program and in compliance with generally accepted accounting principles; and

BE IT FURTHER RESOLVED, that the accounts and balances for said Housing Authority accounts will continue to be maintained on Kenosha County's books.

Note: This resolution uses \$0 from the General Fund.

SUBMITTED BY:

Finance Committee
John O'Day
Mark Molinaro, Jr.
David Singer
Mark Modory

It was moved by Supervisor O'Day to adopt Resolution 88. Seconded by Supervisor Molinaro.
Roll call vote passed unanimously.

RESOLUTION 89

89. From Finance Committee regarding Resolution Accepting Federal Emergency Management Agency Hazard Mitigation Grant Program Amendment No. 1: FEMA-1719-DR-WI.

WHEREAS, the Kenosha County Board of Supervisors adopted Resolution No. 72 on October 21, 2008, accepting a Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) award FEMA-1719-DR-WI in the amount of \$1,243,287 for the purpose of continuing the buyout of floodprone properties in the 100-year recurrence interval floodplain of the Fox River in the Towns of Wheatland and Salem and the Village of Silver Lake; and

WHEREAS, Kenosha County was notified on January 7, 2010, that FEMA and the Wisconsin Division of Emergency Management have offered Amendment No. 1 for the HMGP award in the amount of \$88,500.00; and

WHEREAS, Kenosha County will be providing matching funds for this grant award with funding that has been provided to the County from the Wisconsin Department of Commerce, Community Development Block Grant-Emergency Assistance Program (CDBG-EAP); and

WHEREAS, Kenosha County will be providing funds for operating expenses, with FEMA and the Wisconsin Department of Commerce reimbursing the County with HMGP and CDBG-EAP funds as County funds are expended; and

WHEREAS, no property tax levy dollars will be used or budgeted for this grant program.

NOW, THEREFORE, BE IT RESOLVED, that the Kenosha County Board of Supervisors does hereby accept Amendment No. 1 for HMGP award FEMA-1719-DR-WI in the total amount of \$88,500.00 and authorizes the Kenosha County Executive and Kenosha County Clerk, on behalf of the County, to enter into contractual agreements with the Wisconsin Division of Emergency Management for the purpose of securing these funds; and

BE IT FURTHER RESOLVED, that the Kenosha County Housing Authority, with the contracted services of the Southeastern Wisconsin Regional Planning Commission, is designated as the County's administrative agent for the HMGP grant amendments; and

BE IT FURTHER RESOLVED, that the County Director of Finance is authorized to amend the following revenue and expense accounts on the County books for the HMGP program:

240.77202.442332	FEMA-1719-DR-WI Revenue	\$88,500.00
240.77202.582130	Floodplain Acq/Relo/Demo	\$87,500.00
240.77202.529590	HMGP Administration	\$ 1,000.00

BE IT FURTHER RESOLVED, that the authorization to spend grant funds authorized by this resolution be carried over into future years to complete this project, with the grant funds to be disbursed in accordance with all Federal and State regulations of the program and in compliance with generally accepted accounting principles; and

BE IT FURTHER RESOLVED, that the accounts and balances for said Housing Authority accounts will continue to be maintained on Kenosha County's books.

Note: This resolution uses \$0 from the General Fund.

SUBMITTED BY:

Finance Committee

John O'Day

Mark Molinaro, Jr.

David Singer

Mark Modory

It was moved by Supervisor O'Day to adopt Resolution 89. Seconded by Supervisor Molinaro.

Roll call vote passed unanimously.

RESOLUTION 90

90. From Highway & Parks, Building & Grounds and Finance Committee regarding Support of Wisconsin's "25 x 25" Goals for Energy Independence.

WHEREAS, The Wisconsin Office of Energy Independence was created on April 5th, 2007 with the established goals of:

1. Generating 25 percent of Wisconsin's electricity and transportation fuel from renewable fuels by 2025;

2. Capturing 10 percent of the market share for the production of renewable energy sources by 2030, bringing \$13.5 billion annually to Wisconsin's economy by 2030;

3. Becoming a national leader in groundbreaking research in alternative

energies; and

WHEREAS, the State of Wisconsin is seeking partnership with local units of government to further the State's efforts to achieve "25 x 25" goals; and

WHEREAS, the County of Kenosha should be a leader in setting policies, guidelines, goals, and strategic actions that will result in a more sustainable community through increased energy independence.

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Board of Supervisors are committed to improving the energy efficiency of its buildings and operations, and declares itself a partner with the State of Wisconsin in the pursuit of the "25 x 25" goals for energy independence; and

BE IT FURTHER RESOLVED that, upon adoption, the County Clerk shall provide a copy of this resolution to Governor Doyle and the Wisconsin Office of Energy Independence.

SUBMITTED BY:

Highway & Parks	Building & Grounds	Finance Committee
Dennis Elverman	Douglas Noble	John O'Day
Mark Modory	Mark Molinaro, Jr.	Mark Molinaro, Jr.
Gordon West	Gabe Nudo	David Singer
Douglas Noble	Roger Johnson	Mark Modory
	Ronald Johnson	

It was moved by Supervisor Elverman to adopt Resolution 90. Seconded by Supervisor Noble.
Motion carried.

RESOLUTION 91

91. From Highway & Parks and Finance Committee regarding Resolution to Authorize the Purchase of the Golf Carts to be Sole Sourced.

WHEREAS, in 1999 the County Board of Supervisors created Ordinance #24 to repeal and recreate Section 3.11 of the Municipal Code of Kenosha County entitled "Purchasing Policy". Section 3.11(4)(d) "Sole Source" authorizes the County Board to approve by resolution the sole source purchases exceeding \$25,000; and

WHEREAS, the County Board of Supervisors approved in the 2010 Budget the capital outlay purchase of Golf Carts for the Golf Division; and

WHEREAS, the E-Z Go golf carts offers the newest technology in the design of golf carts created in 2007 as opposed to the Club Car designed in 1992. The company supplying E-Z Go Golf offers a greater trade-in value than with Club Car and Yamaha golf carts. The E-Z Go golf carts offers bumper to bumper 4-year warranty where all other golf carts are restrictive (see attachment). Based upon on-site demonstration and evaluation by the golf staff, the E-Z Go golf carts were the overwhelming choice based upon test drive, handling, noise level, and feature comforts.

NOW, THEREFORE, BE IT RESOLVED, that the Kenosha County Board of Supervisors do hereby authorize the sole source purchasing of the golf carts for the Golf Division and that the Purchasing Director negotiate the purchase in the County's best interest.

SUBMITTED BY:

Highway & Parks Committee	Finance Committee
Dennis Elverman	John O'Day
William Grady	Mark Molinaro, Jr.
Mark Modory	David Singer
Gordon West	Mark Modory
Douglas Noble	

It was moved by Supervisor Elverman to adopt Resolution 91. Seconded by Supervisor O'Day.
Motion carried.

RESOLUTION 92

92. From Highway & Parks and Finance Committee regarding Highway Easement and Temporary Limited Easement for construction of the West End Park access on County Trunk Highway KD.

WHEREAS, as part of the West End Park Development it has been determined that the proposed park access to County Trunk Highway "KD" (CTH "KD") be reconstructed, and

WHEREAS, Kenosha County has entered an agreement with the Wisconsin Department of Transportation to fund the CTH "KD" park access project using American Recovery & Reinvestment Act (ARRA) Funding, and

WHEREAS, it has been determined through the project engineering plans that a part of the construction project turn lane, grading limits and proposed park access will be located on Kenosha County owned land outside the existing right of way limits of CTH "KD", and

WHEREAS, it has been determined that the turn lane and grading limits of the project located outside the existing right-of-way of CTH "KD" be constructed on a Permanent Highway Easement and the proposed park access located outside of the existing right-of-way of CTH "KD" be constructed on a Temporary Limited Easement,

THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors hereby approves the Highway Easement and the Temporary Limited Easement for the CTH "KD" Project ID 3750-00-00 as described on the attached Legal Description and the attached Exhibit "A".

SUBMITTED BY:

Highway & Parks Committee
Dennis Elverman
Mark Modory
Gordon West
Douglas Noble

Finance Committee
John O'Day
David Singer
Mark Modory
Mark Molinaro, Jr.

It was moved by Supervisor Elverman to adopt Resolution 92. Seconded by Supervisor O'Day.
Motion carried.

RESOLUTION 93

93. From Human Services and Finance Committees regarding Resolution to modify the Department of Human Services, Division of Children and Family Services 2009 Budget for the American Recovery and Reinvestment Act for the Birth to 3 Program.

WHEREAS, the Kenosha County Department of Human Services, Division of Children and Family Services was awarded American Recovery and Reinvestment Act funds for the Birth to 3 Program, and

WHEREAS, the Kenosha County Department of Human Services, Division of Children and Family Services is receiving \$90,301 from the State of Wisconsin Department of Health Services with the requirement to supplement, not supplant existing Birth to 3 funds, and

WHEREAS, these funds have been allocated from July 1, 2009 through July 31, 2011 to Kenosha County Birth to 3 Program contracted to the Kenosha Achievement Center. Funds will be used for the partial retention of Early Intervention and Service Coordination staff position, support costs for direct billing services, and for the purchase of four laptops and portable scanners for in-home visits, and

WHEREAS, this budget modification poses no additional levy-funded costs to the County,

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Department of Human Services budget be modified as follows:

Authorize increase of expenditures of \$90,301 and increase revenues by \$90,301, per the attached budget modification incorporated herein by reference. Any unexpended dollars as of December 31, 2009 will be carried over into the 2010 budget.

SUBMITTED BY:

Human Services Committee
Edward Kubicki
Terry Rose
Richard Kessler
Jennifer Jackson
Jeffrey Gentz

Finance Committee
John O'Day
Mark Modory
Mark Molinaro, Jr.
David Singer

It was moved by Supervisor Kubicki to adopt Resolution 93. Seconded by Supervisor O'Day.
Roll call vote passed unanimously.

RESOLUTION 94

94. From Judiciary & Law Committee regarding Regular Cabaret License for Grizzly Saloon.

WHEREAS, the application of Cynthia Winburn for a probationary cabaret license for the Grizzly Saloon, 12711 Bristol Road, Kenosha, Wisconsin, in the Town of Bristol, was made during the month of May, was turned over to this office on May 1st, 2009, and

WHEREAS, the establishment known as the Grizzly Saloon was granted a Probationary Cabaret License per County Board Resolution on July 21st, 2009, and

WHEREAS, the establishment known as the Grizzly Saloon was found to be in conformity with County Ordinance # 8.02 governing it's conduct for a probationary period of the last 6 months.

NOW, THEREFORE BE IT RESOLVED, that a regular cabaret license, in lieu of a probationary cabaret license, be granted to Cynthia Winburn, for the Grizzly Saloon.

SUBMITTED BY:

Judiciary & Law Committee

William Michel, II

James Huff

Roger Johnson

Ronald Johnson

It was moved by Supervisor Michel to adopt Resolution 94. Seconded by Supervisor Roger Johnson.

Motion carried.

RESOLUTION 95

95. From Judiciary & Law Committee regarding Resolution to "Re-Authorize" the use of Juvenile Secure Detention for the Juvenile Court as an alternative at Disposition, as a Short Term Hold and as a Sanction for Habitual School Truants.

It was moved by Supervisor Michel to adopt Resolution 95. Seconded by Supervisor Ronald Johnson.

It was moved by Supervisor Rose to refer Resolution 95 to the Human Services and Finance Committees. Seconded by Supervisor Kessler.

Roll call vote.

Ayes: Supervisors Grady, Rose, Kessler, Kubicki, Hallmon, Gentz, Modory, Faraone, O'Day, Singer, Molinaro, Morton, Jackson, Clark, Noble, Elverman.

Nays: Supervisors Zerban, Huff, Ronald Johnson, Michel, West, Roger Johnson, Breunig, Ekornaas.

Ayes: 16. Nays: 8.

Motion carried.

RESOLUTION 96

96. From Judiciary and Law and Finance Committees regarding Increase in Service Fees for Civil Process.

WHEREAS, Section 814.705 (1) (a), Wisconsin Statutes, authorizes the Kenosha County Board of Supervisors to establish fees higher than the level set by state statute for various services performed by the Kenosha County Sheriff's Office, and

WHEREAS, Section 814.70, Wisconsin Statutes, authorizes the Kenosha County Sheriff's Office to collect necessary expenses incurred with respect to writ of restitution and writ of assistance in eviction proceedings, and

WHEREAS, the Kenosha County Board of Supervisors previously revised established service of process fees by Resolution No. 65-02 adopted on October 15, 2002, and

WHEREAS, a new fee schedule for service of process by the Sheriff's Office needs to be established that more closely reflects the actual cost of providing the service due to increasing expenses relating to the time a deputy sheriff spends in the removal of a tenant pursuant to a writ of restitution and writ of assistance in an eviction proceeding, and

WHEREAS, the increase in fees will bring the amounts charged more in line with other agencies throughout the state.

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Board of Supervisors accept the following fee schedule increasing the service of process fees in the Kenosha County Sheriff's Office, be and hereby is adopted, effective March 1, 2010:

Service Type

Current Fees

Revised Fees

Sheriff's Sale (posted)	\$75.00	\$75.00 (no change)
Sheriff's Sale (held)	\$75.00	\$75.00 (no change)
Paper Service	\$40.00	\$40.00 (includes mileage (no change))
Additional defendant/ same address	\$40.00	\$40.00 (includes mileage (no change))
Additional defendant/ different address	\$40.00	\$40.00 (includes mileage (no change))
Additional Service/walk through	\$20.00	\$20.00 (no change)
Stand by time	\$10.00	Hourly rate plus benefits for the Deputy Sheriff(s)
Mileage	Included in base charge	Included in base charge (no change)

Evictions

Writs of Restitution	\$20.00 post \$20.00 walk-thru \$20.00 service fee (move) + \$10.00 per hr. stand-by time	\$75 (includes all parties at one address, mileage, 1 hour for move) \$40.00 base fee, if walk-thru is cancelled Plus hourly rate plus benefits for the Deputy Sheriff(s) stand by time
Writs of Assistance	\$20.00 post \$20.00 walk-thru \$20.00 service fee (move) + \$10.00 per hr. stand-by time	\$75.00 (includes all parties at one address, mileage, 1 hour for move) \$40.00 base fee, if walk-thru is cancelled Plus hourly rate plus benefits for the Deputy Sheriff(s) stand by time.
Writs of Replevin	\$40.00	\$100.00 (plus stand-by time after 1 st hour)

For evictions and seizures of property, the fees will not exceed the actual costs incurred by the Sheriff's Department

SUBMITTED BY:

Judiciary & Law Committee
William Michel, II
James Huff
Bob Haas
Roger Johnson

It was moved by Supervisor Michel to adopt Resolution 96. Seconded by Supervisor Ronald Johnson.

Motion carried.

COMMUNICATION

11. From George E. Melcher, Director of Planning & Development regarding future rezonings.

Chairman Clark referred Communication 11 to the Land Use Committee.

It was moved by Supervisor Singer to approve the January 5, 2010 minutes. Seconded by Supervisor Ronald Johnson.

Motion carried.

It was moved by Supervisor Singer to adjourn. Seconded by Ronald Johnson. Motion carried.

Meeting adjourned at 9:10 p.m.

Prepared by: Edie LaMothe
Deputy Clerk

Submitted by: Mary Schuch-Krebs
County Clerk